

**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

MINUTES

**January 9, 2014
7:00 p.m.**

**Members
(Present)**

Maureen Gustafson
John Moyer
Brandon Dibben
Ken Mortensen

**Members
(Absent)**

Chuck Mowry
Mike Watson

**Staff
(Present)**

David Yearout

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 7:00 p.m. and declared a quorum present.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the December, 2013, meeting as written. Commissioner Dibben seconded the motion and it carried unanimously.

3. OLD BUSINESS

None.

4. NEW BUSINESS

Item No. 1 – FP-01-01-14 – Consideration of Final Plat in Junction City.

Chair Gustafson opened the meeting on the consideration of the application of Steven Struebing, agent, for Calico Properties, Inc., owner, requesting approval of the final plat of the Dollar General Addition; a replat of Portions of Lot 2, Garfield Plaza Addition and Lot 1, Block 1, Intrust Bank Addition, Junction City, Geary County, Kansas, located on the north side of West 6th Street and slightly west of North Garfield Street, and called for the staff report.

Mr. Yearout reported the intent of this request is to establish a separate lot for the construction of a new building to house a new Dollar General store. The existing vacant building will be razed and a new building constructed. A copy of a preliminary site plan

has been included in the packet of materials for information purposes.

Mr. Yearout reported the primary issue with the replat is the relocation of an existing storm sewer line that crosses the proposed lot from the southwest to the northeast. Presently, the existing building is constructed over that line, which should not have been permitted. As noted in the staff report, the intent is to relocate the storm sewer line along the west and north property lines of the new lot and vacate the existing easement. This will be necessary because City Codes do not allow buildings to be constructed over easements.

Mr. Yearout also noted Kansas Gas Service is requesting dedication of easements so gas service can be provided. All these changes need to be shown on a revised final plat drawing before it is presented to the City Commission for final approval, along with some clerical corrections in the text on the plat. Additionally, a Development Agreement will be prepared detailing the requirements concerning the storm sewer system and all other aspects affecting the public services.

Mr. Yearout noted the preliminary site plan also indicated that the existing three drive entrances from 6th Street will be reduced to a single drive entrance to the west end of the new lot and sidewalks will be required to be installed along 6th Street in accordance with City policies and codes. Mr. Yearout noted a representative for Dollar General's developer was present if the MPC had any specific questions concerning the project.

Commissioner Mortensen asked for confirmation of the location of the lot in relation to Intrust Bank and was provided clarification of those details. He also asked whether the bank lot would retain its two entrances and was informed it would.

Bob Gage, Vice President of Net Lease Development of Brentwood, Tennessee, stated his firm is the developer of the building. He noted he had met with Intrust Bank earlier in the day, and the intent is to move the proposed building further to the north on the actual site plan that will be submitted with the building permit application. He stated he had been made aware of the cross-lot access agreement of record on the existing land and the intent of the preliminary site plan was only to confirm to Dollar General the proposed building would fit on the lot.

Mr. Gage further stated he understood the issue concerning the storm sewer line and would work with the City on dealing with that issue. He indicated his firm builds the buildings and leases them to Dollar General, so the desire is to make sure no problems exist with the building.

Judd Leibau, President of Intrust Bank of Junction City, acknowledged he had discussed the preliminary layout of the proposed building with Mr. Gage and was concerned with the idea of permitting a building that close to 6th Street, which is much closer than any other building along that corridor between Garfield and the west end of the commercial complex. Other than desiring to maintain a greater setback and

keeping the traffic flow open between the lots, all other aspects of the proposal are acceptable. Mr. Leibau noted his title would need to be changed on the plat because it was shown incorrectly.

Several of the MPC members noted the history had been to assure setbacks were maintained in situations like this and asked staff what could be done to increase the assurance the building would not be constructed as shown in the preliminary site plan.

Mr. Yearout noted it was possible to place a building setback line on the plat which would be greater than what the Zoning Regulations establish. The question would be what specific line or distance should be shown on the plat.

The Commission members asked Mr. Gage what was acceptable to the developer and asked Mr. Leibau what was acceptable to the bank. Mr. Gage indicated the actual setback needs would be calculated so the building would be as far north as possible and still leave an adequate drive lane on the north side of the building. The size of the building is what is required by Dollar General and they will not change that requirement. Mr. Leibau indicated the bank was comfortable with a setback line such that the new building would be no closer to 6th Street than the awning on the bank or the existing building, which should be no more than about 10 feet further south than the front of the bank building.

The Commission members indicated a consensus that a setback line needs to be shown on the final plat to protect the existing building visibility along 6th Street. As for the other issues, the Commission members were in agreement the changes need to be shown on the final plat before it goes to the City Commission for final action.

Commissioner Mortensen moved to approve the final plat of the Dollar General Addition; a replat of Portions of Lot 2, Garfield Plaza Addition and Lot 1, Block 1, Intrust Bank Addition, Junction City, Geary County, Kansas, located on the north side of West 6th Street and slightly west of North Garfield Street, subject to the final plat document being edited to reflect the easement vacations, the proper easements for the storm sewer location and the Kansas Gas Service needs, the notation that the access from 6th Street is reduced to one entrance as proposed, and that a building setback line along 6th Street be shown to no more than 10 feet in front of the Intrust Bank building. The motion also authorizes the Chair and Secretary to sign the edited final plat document provided these changes are made. Commissioner Moyer seconded the motion and it passed unanimously.

BOARD OF ZONING APPEALS ~ Recess as the Metropolitan Planning Commission and Convene as the Board of Zoning Appeals.

Chair Gustafson declared the Metropolitan Planning Commission recessed, and convened as the Board of Zoning Appeals.

5. OLD BUSINESS

Item No. 1 – BZASE-12-01-13 – Public hearing to consider a Special Exception from the Geary County Zoning Regulations.

Chair Gustafson reopened the public hearing on the application of James Goff, owner, requesting a Special Exception from the Geary County Zoning Regulations to allow construction of an accessory structure in excess of the allowable 900 square feet, at 2717 Meadowlark Drive, Milford, Geary County, Kansas, and asked for the staff report.

Mr. Yearout noted the applicant was present. Mr. Yearout noted the circumstances regarding this request were the same as discussed at the December, 2013, meeting. In short, Mr. Goff is asking for the larger building, which has already been started for the larger building by having the concrete for the floor already poured.

Mr. Yearout concluded by stating the specific guidelines in dealing with special exceptions are set out in the staff report. Mr. Yearout stated, based on the information in the staff report, staff is recommending approval of the Special Exception subject to the size limitation as requested by the applicant.

Chair Gustafson opened the hearing for comments from the public.

Mr. Goff apologized for not having representation at the December meeting. He stated the reasoning for the request as outlined by staff was accurate and he desired to move forward with the completion of the building as soon as possible.

There being no further comments, Chair Gustafson closed the public hearing and called for a motion from the Board.

Commissioner Mortensen moved that Case No. BZASE-12-01-13, the request of James Goff, owner, requesting a Special Exception from the Geary County Zoning Regulations to allow construction of an accessory structure in excess of the allowable 900 square feet, at 2717 Meadowlark Drive, Milford, Geary County, Kansas, be approved as requested, subject to the conditions outlined in the staff report and that no commercial use of the building is permitted. Commissioner Dibben seconded the motion and it carried unanimously.

METROPOLITAN PLANNING COMMISSION – Adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission.

Chair Gustafson declared the Board of Zoning Appeals adjourned and reconvened as the Metropolitan Planning Commission.

5. GENERAL DISCUSSION

Item No. 1 – Metropolitan Planning Organization Report

Stephanie Watts, Transportation Planner for the MPO, gave a power point presentation regarding the history of the MPO and the current work projects. Ms. Watts stressed the MPO is still getting fully organized and the mandatory documents are being developed. She stated the work is just beginning on the development of the Traffic Demand Model, which will be available to assist the local communities in evaluating future road projects once it is in place. The work will most likely be completed by the end of 2014.

In response to a question from Mr. Yearout, Ms. Watts confirmed it would be possible to present a demonstration of the Traffic Demand Model capabilities at an MPC meeting later in the year.

Item No. 2 – Comprehensive Plan Update Status

Mr. Yearout stated staff had not received any new information from RDG Planning and Design. The work from the December meetings is being incorporated into a draft document and it was expected a copy of that information would be made available for review and comment very soon. When that information is provided, it will be shared with the MPC for review and comment.

Item No. 3 – Discussion of Potential Text Amendment concerning Carports

Mr. Yearout briefed the MPC on the issue concerning carports as outlined in the enclosed Memorandum to the MPC. In short, the question is whether the MPC wishes to consider a text amendment to provide a method for consideration of carports, primarily in front of existing garages and into the front yard setback area; or whether it prefers the rules and regulations be left alone.

The consensus of the members present was to leave the rules and regulations alone. It was felt this would not be a good thing for the City to do and would cause more problems citywide than it would ever resolve. The requirement of developing a “standard” of what would constitute a “hardship” or other similar reason for permitting an encroachment into the front yard would be impossible and would only result in having the meetings dominated with hearings on such requests.

Mr. Yearout stated the matter would be considered closed and no further discussion of a possible text amendment would be forwarded to anyone.

Item No. 3 – Other Items

Mr. Yearout indicated he requested consideration and action on the Interlocal Agreement with Milford as soon as possible. The Milford City Council meeting is occurring tonight and it may be possible Milford acts on the agreement. It is hoped this will be completed very soon. The documents have been forwarded to the attorneys for

the respective governing bodies.

8. ADJOURNMENT

Commissioner Mortensen moved to adjourn. Commissioner Moyer seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 8:20 p.m.

PASSED and APPROVED this _____ day of February, 2014.

Maureen Gustafson, Chair

ATTEST:

David L. Yearout, Secretary